

Remarks

Claims 1-28 are pending in the present application. By this Amendment, claims 7, 11, 12, 15, 16, 21-23 and 26 are amended. Reconsideration is requested in view of the requested amendments and the following remarks.

I. Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 1-4, 6, 8-10, 25, 27 and 28 are allowable and that claims 12, 16, 17 and 23 are objected to but would be allowable if re-written in independent form. Claims 16 and 23 are now presented as independent claims incorporating the limitations of these claims as previously presented and should now be allowed. Claim 17 depends from claim 16 and should also be allowed.

II. Claim Objections

The Examiner indicates that the words “first piece” in line 7 of claim 5 should read “second piece.” Applicant believes that claim 5, as currently drafted, accurately describes the tool and is consistent with the written description and drawings of the application. Thus, the objection to claim 5 should be withdrawn.

Claim 7 has been amended to address the objection to this claim.

The Examiner indicates that the phrase “a previously-installed piece” in line 5 of claim 18 should read “the previously-installed piece” to properly refer to its antecedent. Applicant notes that when the tool is installed on a first end portion of a piece of siding that is being installed on a structure, the tool can be supported on a previously installed piece of siding. If the tool is installed on the second end portion of the piece of siding that is being installed, the tool can be supported on a previously installed piece of siding, which may or may not be the same previously installed piece that supports the tool when it is installed on the first end portion.

Claim 18 is intended to cover this situation. Thus, Applicant believes that the objection to claim 18 should be withdrawn.

III. Rejection of Claims 11, 13-15, 21, 22, 24 and 26

Claims 11, 13-15, 21, 22, 24 and 26 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by German Patent No. DE 3,406,510 to Tonsic (Tonsic). Applicant traverses this rejection and requests that it be withdrawn.

Claims 11 and 13-15:

Claim 11 has been amended to recite a tool for installing siding, wherein the tool is adapted to couple to an end portion of a piece of siding by engaging first and second transverse edges of the piece of siding and such that a surface of the tool is juxtaposed to an end edge of the end portion (added language underlined). In contrast, Tonsic describes a tool that is used for installing ceiling panels. In use, the Tonsic tool is understood to engage the upper and lower surfaces of a ceiling panel 5 that is being installed (FIGS. 4 and 5), not the transverse edges of the panel. Thus, claim 11, as amended, is not anticipated by Tonsic and should be allowed.

Claims 13-15 depend from claim 11 and are allowable for the reasons given above in support of claim 11 and because each dependent claim sets forth an independently patentable combination of features. For example, claim 15, as amended, further recites a siding-support portion for supporting the piece of siding above a previously-installed piece of siding in a lower course in an overlapping manner (added language underlined). Tonsic, as presently understood, is not capable of supported a piece of siding in an overlapping manner with a previously installed piece of siding.

Claims 21, 22, and 24:

Claim 21 has been amended to recite a tool comprising a body configured to couple to an end portion of a piece of siding to be installed, the body having an inner surface extending the majority of the height of the piece of siding, such that when the tool is coupled to the end portion, the inner surface contacts an end edge of the end portion (added language underlined).

In contrast to claim 21, the Tonsic tool is not understood to include an inner surface that extends the majority of the height of a piece of siding and contacts the end edge of the piece of siding when installed. It appears that when the Tonsic tool is installed on a ceiling panel 5, the edge of the ceiling panel contacts the edge of a bolt 11 or 12, which extend perpendicular to the height of the panel 5. Thus, claim 21 is not anticipated by Tonsic and should be allowed.

Claims 22 and 24 depend from claim 21 and are allowable for the reasons given above in support of claim 21 and because each dependent claim sets forth an independently patentable combination of features.

Claim 26:

Claim 26 is directed to a method for installing horizontally-disposed, overlapping siding on a structure. The method comprises securing a siding-installation tool to an end portion of a first piece of siding that is to be installed on the structure, the tool being completely removable from the first piece of siding, and positioning the first piece of siding against the structure such that the tool abuts an adjacent surface on the structure, thereby creating an end gap between the end portion of the first piece of siding and the adjacent surface. Claim 26 has been amended to further recite supporting the tool on a previously installed, second piece of siding when creating the end gap such that the first piece of siding is supported in an overlapping relationship with the second piece of siding.

Unlike claim 26, the Tonsic tool is used for installing ceiling panels side-by-side in a non-overlapping manner (see FIGS. 4 and 5 of Tonsic). Because the Tonsic tool is used for installing ceiling panels, Tonsic inherently does not suggest installing horizontally-disposed siding in an overlapping manner. Furthermore, the Tonsic tool, as presently understood, is not capable of being used in the manner recited in claim 26. Accordingly, Claim 26 is not anticipated or rendered obvious by Tonsic and should be allowed.

IV. Conclusion

The present application is in condition for allowance and such action is respectfully requested. If any further issues remain concerning this application, the Examiner is invited to call the undersigned to discuss such matters.

Respectfully submitted,

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